

## UNITED STATES DISTRICT COURT

Northern District of California

Promotopia, Inc.,

08-01967 JF

Plaintiff(s),

**NOTICE RE: NONCOMPLIANCE  
WITH COURT ORDER**

v.

Great American Opportunities, Inc.,

Defendant(s).

The parties have failed to file an ADR Certification and either a Stipulation and [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone Conference as required by the Initial Case Management Scheduling Order. Counsel shall Meet and Confer forthwith in an attempt to agree on an ADR process for this matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b), ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available at [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov).)

Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

1 450 Golden Gate Avenue, 16<sup>th</sup> Floor, San Francisco, California), or by PDF attachment  
2 to an e-mail directed to [adr@cand.uscourts.gov](mailto:adr@cand.uscourts.gov).

3  
4 It is the responsibility of counsel to schedule an ADR Phone Conference, if  
5 required, to occur before the Case Management Conference.

6  
7  
8 Dated: August 8, 2008

9 RICHARD W. WIEKING  
10 Clerk  
by: Lisa M. Salvetti

11 

12 ADR Administrative Assistant  
13 415-522-2032  
14 lisa\_salvetti@cand.uscourts.gov

## PROOF OF SERVICE

Case Name: Promotopia, Inc. v. Great American Opportunities, Inc.

Case Number: 08-01967 JF

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program  
United States District Court  
Northern District of California  
450 Golden Gate Avenue Floor 16  
San Francisco, CA 94102

On August 8, 2008, I served a true and correct copy of:

### **Notice Re: Noncompliance With Court Order**

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Paul Richard Martin  
Randick O'Dea & Tooliatos, LLP  
5000 Hopyard Road  
Suite 400  
Pleasanton, CA 94588  
pmartin@randicklaw.com

Kevin Richard Martin  
Randick O'Dea & Tooliatos  
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Christopher Lee Ogden  
Thelen Reid Brown Raysman & Steiner LLP  
225 West Santa Clara Street  
Suite 1200  
San Jose, CA 95113-1723  
cogden@thelen.com

[ ] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

[ ] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 8, 2008 in San Francisco, California.

RICHARD W. WIEKING

Clerk

by: Lisa M. Salvetti

A handwritten signature in black ink, appearing to read "Lisa M. Salvetti", written over a horizontal line.

ADR Administrative Assistant

415-522-2032

[lisa\\_salvetti@cand.uscourts.gov](mailto:lisa_salvetti@cand.uscourts.gov)